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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,575	12/12/2003	Rikiya Morita	03886/0200700-US0	1863
7278	7590	02/17/2006	EXAMINER	
DARBY & DARBY P.C. P. O. BOX 5257 NEW YORK, NY 10150-5257			GOODEN JR, BARRY J	
			ART UNIT	PAPER NUMBER
			3616	

DATE MAILED: 02/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/734,575	MORITA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Barry J. Gooden Jr.	3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☒ Claim(s) 7-9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/12/03 &amp; 5/19/04</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities:

The main rod is also called the first rod and the auxiliary rod is also called the second rod; it would be advantageous to give only a single name to a part. The Examiner suggests that the Applicant uses consistent terminology for the clarity purposes.

Appropriate correction is required.

2. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification and claims are replete with terms, which are not clear, concise and exact.

The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph.

Examples of some unclear, inexact or verbose terms used in the specification and claims are:

At page 3, lines 11-12 -- auxiliary rod are restrained each other -- should be replaced with "auxiliary rod are restrained against each other" or "auxiliary rod are restrained to each other".

At page 5, line 13 -- rods 10, 11, 12 -- should be "rods 10, 11, 12, 13".

At page 6, lines 12-14 -- The webbing guide portion 10a is formed by bending the metal rod member and folds back and guides the seatbelt 2 -- should be replaced with "The webbing guide portion 10a, formed by bending the main rod member 10, folds back and guides the seatbelt 2".

At page 18, lines 4-5 -- other rod for preventing from easily disconnecting the seatbelt form the guide portion -- should be replaced with "an other rod for preventing the seatbelt from easily disconnecting from the guide portion".

A substitute specification including the claims is required pursuant to 37 CFR 1.125(a) because of the unclear, inexact or verbose terms.

A substitute specification must not contain new matter. The substitute specification must be submitted with markings showing all the changes relative to the immediate prior version of the specification of record. The text of any added subject matter must be shown by underlining the added

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text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. An accompanying clean version (without markings) and a statement that the substitute specification contains no new matter must also be supplied. Numbering the paragraphs of the specification of record is not considered a change that must be shown.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 7-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regards to claims 7-9, there are multiple terms that appear to be inaccurate. For example:

"the main rod has a first rod" is unclear. As best understood, the main rod is the first rod; therefore, the main rod cannot have the first rod; it is the first rod.

"the auxiliary rod has a second rod" is unclear. As best understood, the auxiliary rod is the second rod; therefore, the auxiliary rod cannot have the second rod; it is the second rod.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 5, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Kouketsu et al., US Patent 4,607,864.

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In regards to claims 1-3, 5, 10 and 11, Kouketsu et al. show all of the claimed elements including a seatbelt guide device (See Figures 2 and 3) for an automobile (18) for guiding a seatbelt (12) extracted from a retractor (24), comprising:

a main rod (38) with a guide portion (40) for suspending and folding back (See Figure 3) the seatbelt (12); and

an auxiliary rod (36) for dispersing a load applied to the main rod (38);

wherein the main rod (38) and the auxiliary rod (36) are restrained against each other and secured to a vehicle body (18);

wherein said load is transmitted to the vehicle body (18) under optimum conditions set in accordance with the restraining conditions of the main rod (38) and the auxiliary rod (36);

further comprising, an other rod (30) for preventing the seatbelt (12) from easily disconnecting from the guide portion (40);

further comprising, a bracket (integral to the auxiliary rod (36)) for securing (See Figure 3) at least one of the main rod (38) and the auxiliary rod (36) to the vehicle body (18); and,

wherein at least one of the main rod (38) and the auxiliary rod (36) has a flat-plate-shaped vehicle body attaching portion (the base of the auxiliary rod (36), where it attaches to the vehicle (18)) formed thereto for fixing the rod (36) to the vehicle body (18).

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

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Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kouketsu et al. in view of Collins et al., US Patent 5,411,292.

Kouketsu et al. show all of the claimed elements as applied to claims 1 and 2, seen above in Office Action Item 6, excluding a cover.

Collins et al. teach of a cover (104) for preventing the seatbelt from easily disconnecting from the guide portion.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the seatbelt guide device of Kouketsu et al. in view of the teachings of Collins et al. to include a cover so as to prevent the seatbelt from easily being removed from the seatbelt guide device and to increase aesthetic appeal.

#### ***Allowable Subject Matter***

10. Claims 7-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Claims 7-9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry J. Gooden Jr. whose telephone number is (571) 272-5135. The examiner can normally be reached on Monday-Friday 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BJG

Barry J Gooden Jr.  
Examiner  
Art Unit 3616

  
ERIC CULBRETH  
PRIMARY EXAMINER